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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Kazunori HORIKIRI

Group Art Unit: 2131

Application No.: 09/655,803

Examiner: Christian A. LaForgia

Filed: September 9, 2000

Docket No.: 107196

For: ACCESS PRIVILEGE TRANSFERRING METHOD

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the April 22, 2005 Restriction Requirement, Applicant provisionally elects Group I, claims 1-10 and 12-14, drawn to granting access to a restricted resource, with traverse.

First, Applicant respectfully submits that it is unreasonable at this point in prosecution for the Patent Office to assert a Restriction Requirement regarding the above-identified application. Applicant notes that all of the pending claims have already been examined once on the merits. Specifically, on September 22, 2004, a non-final rejection was issued in this matter that addressed all of claims 1-19. Clearly, all of the claims had been examined on the merits. The Office Action clearly recognized the differences in the features that are currently being asserted to require Applicant to select a single Group of claims.

Applicant filed an Amendment on December 22, 2004 and subsequently conducted a personal interview with Examiner LaForgia on January 26, 2005. During that personal

interview, the Examiner agreed upon claim language that "appears to overcome the prior art of record."

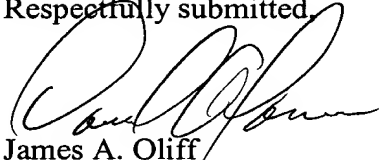
Because time and effort have already been expended by both the Examiner and the Applicant, it would clearly be a waste of Patent Office and Applicant resources to now require restriction.

Second, Applicant respectfully submits that the distinction that the Restriction Requirement draws between Group I, claims 1-10 and 12-14, drawn to granting access to a restricted resource, and Group II, claims 15-19, drawn to securing data using cryptography, is unreasonable. All of the claims varying recite methodologies by which access to restricted information in at least one server may be controlled. Applicant disagrees that the inventions are "related as combination and subcombination," as is asserted by the Office Action. Should the Restriction Requirement be maintained, Applicant requires an explanation of why the inventions are being viewed as a combination and subcombination. Applicant notes that this relationship must be established before an analysis under MPEP §806.05(c) can even proceed.

Third, it is also respectfully submitted that the subject matter of all claims is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made, and in this case has already once been made, without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,



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